

Notice of Allowability

Application No.

09/941,111

Examiner

Hargobind S Sawhney

Applicant(s)

MAZURSKY ET AL.

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 3/22/2004.
2. ☒ The allowed claim(s) is/are 1-4,6-13,15-21,23,25,26 and 28-33.
3. ☒ The drawings filed on 10 January 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

1. The amendment filed on March 22, 2004 has been entered. Accordingly:

- Claims 5,14,22,24, and 27 have been cancelled; and
- Claims 1,21,23,30,31, and 33 have been amended.

Allowable Subject Matter

2. Claims 1-4,6-13,15-21,23,25,26 and 28-33 are allowed.

The prior art of record, including Borri (Patent No. 6,527,402), Muderlak (Patent No. 5,111,477), fails to show or suggest the applicant's invention as claimed.

Specifically, the prior art of record does not disclose motivation for an apparatus for emitting light, sound and fragrance combining:

- the fragrance system comprising a combination of a receptacle with neck, a wick, the wick contacting the fragrance fluid, the wick absorbing the worm fragrance fluid, and emitting to the atmosphere as recited in claims 28 and 30; and
- a rheostat included in the housing, and adjusting light, sound and fragrance systems as recited in claims 1,29 and 31-33.

The above-indicated combinations, including a fluid based fragrance system, and a housing including rheostat, makes this invention unique.

Borri ('402) discloses an apparatus for emitting light, sound and fragrance comprising fragrance system contained in a housing. However, Borri ('402) does not teach the fragrance system being a wick-based system as claimed by the applicant.

Neither combined not individual teaching of Borri ('402) and Muderlak ('477) teaches the use of rheostat for an apparatus for emitting light, sound and fragrance.

Therefore, Claims 1 and 28-33 are allowed over prior art.

Claims 2-4,12,17,23 and 25 are necessarily allowed because of their dependency on the allowed base Claim 1.

Claims 6-8 are necessarily allowed because of their dependency on the allowed base Claim 29.

Claims 10,15,16,18 and 19 are necessarily allowed because of their dependency on the allowed base Claim 30.

Claims 9,11,13,20,21 and 26 are necessarily allowed because of their dependency on the allowed base Claim 32.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hargobind S Sawhney whose telephone number is 571-272-2380. The examiner can normally be reached on 6:15 - 2:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306/7724 for regular communications and 703-872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2956

HSS

4/16/2004



THOMAS M. SEMBER
PRIMARY EXAMINER